REMARKS/ARGUMENTS

Favorable reconsideration of the present application in view of the above amendments and in light of the following discussion is respectfully requested.

Claims 1-20 are pending. Claims 1, 4-6, 8-11, 13, 16, and 20 are presently amended. No new matter is introduced.[1]

In the outstanding Office Action, Claims 1-4, 8-10, and 14-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by McCaleb (U.S. Patent No. 6,751,794). Claims 5-7 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McCaleb in view of Xian (U.S. Patent No. 6,327,584). Claims 11-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McCaleb in view of Eller (U.S. Patent No. 5,889,860).

Amended Claim 1 recites an information processing apparatus that includes a memory means for separately storing functional generation information and application software. The *functional generation information enables the application software to access functions when the functional generation information is concurrently located in the memory means with the application software.* Amended Claim 1 recites that an obtaining means obtains second functional generation information that *if located in the memory means would enable the application software to access second functions.* The second functional generation information is registered in an information providing apparatus which is located remotely from the information processing apparatus via a network. Amended Claim 1 further recites a comparing and determining means which compares a first functional generation information located in the memory means to the second functional generation information and determines which of the first and second functional generation information is a newest functional generation information. Furthermore amended Claim 1 recites that when the second

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[1] Amended Claims 1, 4-5, 8-11, 13, 16, and 20 find support in the claims as previously presented and in the specification as originally filed at least at p. 32, ln. 16 - p. 33, ln. 6, for example.

functional generation information is the newest, an information updating means updates the

first functional generation information such that the memory means contains the second

functional generation information and the application software is enabled to access the

second functions.

Turning to the applied reference, McCaleb illustrates a server 105 that maintains a

client database 125 to keep track of client systems 110 and 115.[2] Client database 125 *tracks,*

but does not locally store, the *software version histories* that are installed on the client

systems 110 and 115.[3] The server 105 also maintains a part database 120, containing

software patches and software updates for the client system 110 and 115.[4] McCaleb

describes that the client database 125 and the part database 120 may be in the same system as

the server 105.[5]

The outstanding Office Actions states that (1) "*McCaleb* discloses an information

processing apparatus (Sever 105, Figure 1)"[6], (2) "client database 125 stores functional

generation and current application software versions of connected clients"[7], and (3) "server

105 access(es) Client Database 125 and compares second functional generation information

with the first functional generation information. If second generation information is newest,

Client Database 125 is updated with said information."[8]

Assertion (3) is a mischaracterization of McCaleb. Figure 2 of McCaleb illustrates

that "the server 105 checks its part database 120 and determines the updates that the *client*

*system 110, 115* needs. The updates are sent *from the server 105 to the client system 110,*

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[2] See, McCaleb, at column 3, lines 60-64.
[3] Id.
[4] See, McCaleb, at column 3, lines 64-68.
[5] See, McCaleb, at column 4, lines 5-7.
[6] See, The Office Action of December 5, 2008 p. 2 No. 7.
[7] See, The Office Action of December 5, 2008 p. 3, lns 2-3.
[8] See, The Office Action of December 5, 2008 p. 4, lns 3-6, parenthetical added.

*115* as shown in block 215."[9]  McCaleb states that the clients systems are updated, not the

client database as the Office Action asserts.  Since the client systems 110, 115 are not the

server 105, McCaleb does not suggest or disclose updating functional generation information

located in the memory means of the information processing apparatus (identified as the server

105 see (1) above).  Accordingly, McCaleb does not suggest or disclose all of the features of

amended Claim 1.

Even if assertions (1) , (2), and (3) above are taken as accurate, McCaleb fails to

disclose or suggest a *memory means that concurrently includes first functional generation*

*information and application software, such that the first functional generation information*

*enables the application software to access first functions and a second functional generation*

*software located remotely that if concurrently located in the memory means would enable the*

*application software to access second functions.*  McCaleb illustrates a server which includes

a part database and a client database.  The part database of McCaleb contains software

patches, and the client database contains the version history of separate client systems.  A

database of *software version histories* is not equivalent to *software which is enabled to access*

*functions when concurrently located with functional generation information.*  A mere list of

version histories is not enabled by the parts database to access different functions.

Accordingly, McCaleb does not suggest or disclose all of the features of amended

independent Claim 1.

Xian fails to cure the deficiency of McCaleb.  Figure 5 of Xian illustrates a system for

updating a file 500.[10]  When new data is available a temporary file 508 is created that

corresponds to the old file 500.[11]  When the data writing is complete, temporary file 508

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[9] See McCaleb at col. 4, lns. 37-41.
[10] See, Xian at col. 14, lns. 9-15.
[11] See, Xian at col. 14, lns. 16-18.

becomes updated file 508.[12] Xian states that updated file 508 is renamed such that a reader

522 uses the most recently updated file.[13] However, Xian fails to disclose or suggest a

*memory means that concurrently includes first functional generation information and*

*application software, such that the first functional generation information enables the*

*application software to access first functions and a second functional generation software*

*located remotely that if concurrently located in the memory means would enable the*

*application software to access second functions.* An updated file that replaces an original file

is not equivalent to software which is enabled to access functions when concurrently located

with functional generation information. Accordingly, Xian fails to suggest or disclose all of

the features of amended independent Claim 1.

Eller fails to cure the deficiencies of McCaleb and Xian. Figure 1 of Eller illustrates

an encryption secured computer system 10 including a server 12, clients 14-20, and a network

21.[14] The server 12 includes a memory 24 storing files 26-32.[15] Eller states that the server

12 is operative to for receiving access requests from the clients 16-20, assigning decryption

keys or passwords, transmitting and accessing program and selected scores to the clients 14-

20 over network 21.[16] Figure 2 of Eller illustrates a music distribution monitoring system 46

that is used in connection with the computer system 10.[17] The music distribution monitoring

system 46 includes the functions of: downloading (48) a music accessing program,

downloading (50) a selected musical score, purchasing (52) music on-line, printing (54), and

viewing (56) the music.[18] Eller states that the client downloads an encrypted music file from

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[12] See, Xian at col. 14, lns. 18-20.
[13] See, Xian at col. 14, lns. 35-40.
[14] See, Eller at col. 4, lns. 24-27.
[15] See, Eller at col. 4, lns. 30-32.
[16] See, Eller at col. 4, lns. 33-36.
[17] See, Eller at col. 5, lns. 1-3.
[18] See, Eller at col. 5, lns. 4-12.

the server, which is stored on the client.[19] After payment of a fee, the server then sends the

client a password which allows the user to view the encrypted musical score.[20] However,

Eller fails to disclose or suggest a *memory means that concurrently includes first functional*

*generation information and application software, such that the first functional generation*

*information enables the application software to access first functions and a second functional*

*generation software located remotely that if concurrently located in the memory means would*

*enable the application software to access second functions.*

Eller illustrates a musical score which is transmitted to a client and is viewable when

supplied a password. Figure 9 of Eller illustrates that a file is encrypted (144), sent to the

client (146), the client decrypts the information (148), and the client uses the file (152). Eller

merely illustrates a means of distributing secured files and limiting access to a single client.

In comparison, amended Claim 1 recites application software located in a memory means that

is enabled to *access first functions* when concurrently located with a first functional

generation information and enabled to *access second functions* when concurrently located

with a second functional generation information. In amended Claim 1 the application

software is enabled access to two different set of functions depending on the functional

generation information present in the memory means. Whereas, the file in Eller is only made

accessible by the presence of a password. A password unlocking a file is not equivalent to

functional generation information changing what functions an application software is enabled

to access. Accordingly, Eller does not suggest or disclose all of the features of amended

independent Claim 1.

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[19] See, Eller at col. 6, lns. 4-7.
[20] See, Eller at col. 6, lns. 39-45.

18

Accordingly, even the combined teachings of <u>McCaleb</u>, <u>Xian</u>, and <u>Eller</u> do not disclose or suggest all the features of amended Claim 1. It is submitted that amended Claim is in condition for allowance.

Although drawn to different statutory subject matter classifications, amended independent Claims 8-10 and 20 recite features that are substantially similar to that of amended independent Claim 1. Therefore for substantially the same the reasons stated above for Claim 1, Claims 8-10 and Claim 20 are believed to be in condition for allowance.

Dependent Claims 2-7 and 11-13 dependent from amended independent Claim 1 and recite additional features that are not disclosed or suggested in the cited references. Moreover, as discussed above, Claim 1 is believed to be in condition for allowance. Accordingly, Claims 2-7 and 11-13 are believed to be in condition for allowance for at least the same reasons as Claim 1, from which they depend.

Dependent Claims 14-16 dependent from amended independent Claim 8 and recite additional features that are not disclosed or suggested in the cited references. Moreover, as discussed above, Claim 8 is believed to be in condition for allowance. Accordingly, Claims 14-16 are believed to be in condition for allowance for at least the same reasons as Claim 8, from which they depend.
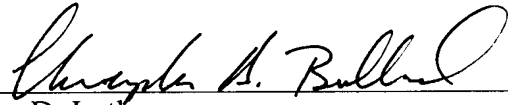
Dependent Claims 17-19 dependent from amended independent Claim 10 and recite additional features that are not disclosed or suggested in the cited references. Moreover, as discussed above, Claim 10 is believed to be in condition for allowance. Accordingly, Claims 17-19 are believed to be in condition for allowance for at least the same reasons as Claim 10, from which they depend.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1-20 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this

application in even better form for allowance, the Examiner is encouraged to contact

Applicants' undersigned representative at the below-listed telephone number.

Respectfully submitted,

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